

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Aleksey Belyakov, : : 22cv2515 (DLC)
Plaintiff, : : MEMORANDUM OPINION
-v- : : AND ORDER
Rasolli Footwear Corp., : :
Defendant. : :
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DENISE COTE, District Judge:

This is a copyright action brought by a photographer. On March 2, 2020, the plaintiff filed a related case, Belyakov v. Ike Behar Group, LLC and Rasolli Footwear Corp., 20cv1854, which he voluntarily dismissed on April 4, 2021. This action was filed on March 28, 2022. Three years before, on March 28, 2019, the plaintiff had complained to the defendant about its use of photographs he had taken for the defendant.

On June 30, 2022, after an initial pretrial conference, Belyakov was ordered to show cause why the case should not be dismissed for one or more of the following reasons:

1. The copyright registration attached to the complaint filed in the case does not cover the photographs that are the subject matter of the complaint;
2. The claims in this action are barred by the applicable three-year statute of limitations; or
3. The civil cover sheet fails to disclose the related case filed in this district, Ike Behar Group.

Belyakov filed a response on July 15, along with a request

to file an amended complaint and case-initiating documents to correct certain errors. The defendant responded on July 22, and the plaintiff replied on July 27.

The plaintiff admits that the complaint attaches copyright registrations for photographs other than those at issue here and that the civil cover sheet failed to notify the Court of the related case. He admits that these errors have wasted the Court's time and interfered with the efficient administration of justice. Plaintiff's counsel provides no adequate excuse for the negligence that resulted in these errors.

On the other hand, the complaint gives the defendant notice of the photographs that are at issue here, and the plaintiff has demonstrated that he registered those photographs with the Copyright Office before filing suit. Whether this action is timely cannot be determined on the current record. Accordingly, it is hereby

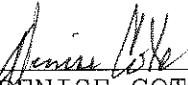
ORDERED that plaintiff shall file his proposed amended complaint and a revised civil cover sheet by **August 15, 2022**.

IT IS FURTHER ORDERED that counsel for both parties shall appear at a conference on **Friday, September 2 at 3:00 p.m.** in Courtroom 18B, 500 Pearl Street, New York, New York. In light of the ongoing COVID-19 pandemic,

IT IS FURTHER ORDERED that all individuals must practice

social distancing in the courthouse to the extent feasible. Individuals also must wear a KN94, KN95, or N95 mask that covers their nose and mouth in the courthouse.

Dated: New York, New York
August 11, 2022



DENISE COTE
United States District Judge